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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,413	08/20/2003	Robert J. Mancuso	XXRM-18J	7925
7590 06/27/2006				
Iandiorio & Teska 260 Bear Hill Road Waltham, MA 02451-1018			EXAMINER BATTULA, PRADEEP CHOUDARY	
			ART UNIT 3722	PAPER NUMBER

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1- 8 and 44 and 34, drawn to a variable color print of an image, classified in class 283, subclass 114.
- II. Claims 21, 22, and 24, drawn to a method of producing a variable color print of an image, classified in class 101, subclass 483.

1. The inventions are distinct, each from the other because of the following reasons:

- a. Inventions I and II are related as product made and process of making.

The inventions are distinct if either or both of the following can be shown:

(1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case that the product as claimed can be made by another and materially different process such as seen in U.S. Patent 4,932,685 where the method has debossing and excludes ink mounds.

- i. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

2. A telephone call was made to Attorney Kirk Teska, responded by Attorney Thomas Thompkins, on June 19, 2006, to request an oral election to the above restriction requirement, but did not result in an election being made.
 - a. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.
 - b. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.
 - c. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is

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571-272-2142. The examiner can normally be reached on Monday - Friday
7:00AM - 3:30PM.

- a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
 - i. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pradeep Battula
Patent Examiner
June 19, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER